

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. This reply is being submitted concurrently with a Request for Continued Examination.

Claims 13, 24-28, and 35 are currently being amended.

Claim 36 is being added.

This amendment adds and changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 13-36 are now pending in this application.

The Examiner issued a First Office Action on June 17, 2005 rejecting all of the pending claims in the present application under new grounds following applicants' submission of a request for continued examination. Claims 13-35 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 6,047,269 issued to Biffar (hereinafter "the Biffar reference").

The Examiner issued a Second Office Action on February 7, 2006 which was made final. The Second Office Action continued the Examiner's previous rejections and arguments. Claims 13-35 were rejected under 35 U.S.C. §102(e) as being anticipated by the Biffar reference.

Initially, Applicants note that claims 13, 24-28, and 35 have been amended to include a reference to the fact that the delegate cannot delegate the token, but can only use the token with a vendor. In addition, new claim 36 has been added and contains similar limitations to the other independent claims, but is directed to the token and the system's participants in relation to the token.

Applicants respectfully submit that claims 13-36, as amended, are allowable over the Biffar reference, as the Biffar reference lacks a delegate and fails to teach the transfer of a token with so as to only allow it to be spent and not further delegated. All of the pending claims 13-36 relate to an electronic commerce system comprising four participants: (1) a customer who purchases a token from a (2) issuer which is may be spent to purchase goods or services from a (3) vendor or which may be designated to a (4) delegate who then may use the

token to purchase from the vendor. The Biffar reference does not differentiate between a customer and a delegate. According to the Biffar reference, “[t]he system includes two major types of components, remote devices (programmed devices) such as remote device A 100 or remote device B 101 and a central system 200.” Col. 6 ll. 37-40. The Biffar reference fails to teach the four claimed participants in the transfer of the token, as claimed in claims 13-36. In the Biffar reference, the remote device 101 is adapted to receive payment from another remote device using a voucher, which the remote device 101 may then use to make payment to a third-party or may “cash-in” with the issuer of the voucher. Unlike a delegate as described in claims 13-36, the remote device 101 of the Biffar reference is involved in a transaction with the original customer who received the voucher from the issuer, i.e. a customer/vendor relationship exists.

Despite the clear differences discussed above, the Examiner has continued to assert that the Biffar reference anticipates the present invention. The Examiner asserted that the remote device A 100 corresponds to the present claims customer, the central system 200 corresponds to the issuer and the remote device B 101 corresponds to both the delegate and the vendor. However, the claims of the present application clearly require a delegate and a vendor, two separate entities, while the Examiner is applying the same entity/device of the Biffar reference to both the vendor limitation and the delegate limitation. As described in the present application, the delegate is someone who receives the token from a customer (the original purchaser) and who is limited in use of the token to purchases from the vendor. The vendor can receive the token from either the original purchaser (i.e. the customer) or from a delegate as part of a commerce transaction (“buying goods or services from the vendor”). However, the vendor is not delegated the token by either the customer or the delegate; only the customer can delegate. The Biffar reference only teaches a first device and a second device; there is no disclosure regarding a delegate which is separate from the vendors. The Biffar reference does not distinguish the available usage of the token based on whether a device is a customer, vendor, or delegate.

In addition, it is also noted that the claims, as amended, limit the actions of the delegate to spending the token, i.e. the delegate can not redelegate. (See [0012] of the substitute specification.) The Biffar reference does not teach the preventing of a token from being delegated by a delegate. Although the Biffar reference may teach the very general

concept of limiting transfers, it does not describe a system as claimed wherein the customer is free to spend or delegate the token, the delegate is limited only to spending the token, and the vendor is limited to redeeming the token.

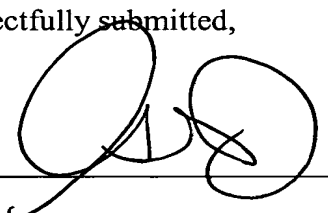
For all of the above reasons Applicants submit that claims 13-36 are allowable. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

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By 

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